

STAYED,TYPE I-FOIA

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01266-DLF

QUALITY CONTROL SYSTEMS CORP. v. U.S.
DEPARTMENT OF TRANSPORTATION
Assigned to: Judge Dabney L. Friedrich
Cause: 05:552 Freedom of Information Act

Date Filed: 06/28/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**QUALITY CONTROL SYSTEMS
CORP.**

represented by **David L. Sobel**
LAW OFFICE OF DAVID L. SOBEL
5335 Wisconsin Ave., NW
Suite 640
Washington, DC 20015
(202) 246-6180
Fax: (415) 436-9993
Email: sobel@att.net
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF
TRANSPORTATION**

represented by **Claire M. Whitaker**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2526
Fax: (202) 252-2505
Email: claire.whitaker@usdoj.gov
TERMINATED: 08/02/2018
LEAD ATTORNEY

Marsha Wellknown Yee
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2539
Fax: (202) 252-2599
Email: marsha.yee@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/28/2017	<u>1</u>	COMPLAINT for Injunctive Relief against U.S. DEPARTMENT OF TRANSPORTATION (Filing fee \$ 400 receipt number 0090-5010131) filed by QUALITY CONTROL SYSTEMS CORP.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Rule 7.1 certificate, # <u>3</u> Summons DOT, # <u>4</u> Summons Att'y General, # <u>5</u> Summons U.S. Att'y)(Sobel, David) (Entered: 06/28/2017)
06/28/2017	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by QUALITY CONTROL SYSTEMS CORP. (md) (Entered: 06/28/2017)
06/28/2017		Case Assigned to Chief Judge Beryl A. Howell. (md) (Entered: 06/28/2017)
06/28/2017	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF TRANSPORTATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u>

		Notice of Consent) (md) (Entered: 06/28/2017)
06/28/2017	<u>4</u>	STANDING ORDER. Signed by Chief Judge Beryl A. Howell on June 28, 2017. (lcbah2) (Entered: 06/28/2017)
07/18/2017	<u>5</u>	NOTICE of Appearance by Claire M. Whitaker on behalf of U.S. DEPARTMENT OF TRANSPORTATION (Whitaker, Claire) (Entered: 07/18/2017)
08/02/2017	<u>6</u>	Consent MOTION for Extension of Time to File Answer <i>or other response</i> by U.S. DEPARTMENT OF TRANSPORTATION (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 08/02/2017)
08/02/2017		MINUTE ORDER (paperless) GRANTING the defendant's <u>6</u> Consent Motion for Extension of Time. Accordingly, the defendant shall, by August 22, 2017, answer or otherwise respond to the plaintiff's <u>1</u> Complaint. Signed by Chief Judge Beryl A. Howell on August 2, 2017. (lcbah2) (Entered: 08/02/2017)
08/03/2017		Set/Reset Deadlines: Answer to the Complaint due by 8/22/2017. (tg) (Entered: 08/03/2017)
08/22/2017	<u>7</u>	ANSWER to Complaint by U.S. DEPARTMENT OF TRANSPORTATION.(Whitaker, Claire) (Entered: 08/22/2017)
09/08/2017	<u>8</u>	Joint MOTION for Extension of Time to <i>file Proposed Scheduling Order, Instantly</i> by U.S. DEPARTMENT OF TRANSPORTATION (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 09/08/2017)
09/11/2017		MINUTE ORDER (paperless) GRANTING the parties' <u>8</u> Joint Motion for Extension of Time to File Proposed Scheduling Order, Instantly nunc pro tunc. Accordingly, the Court issues the following SCHEDULING ORDER: (1) the defendant shall, by October 16, 2017, file any motion for summary judgment; (2) the plaintiff shall, by November 20, 2017, file any consolidated opposition to the defendant's motion for summary judgment and cross-motion for summary judgment; (3) the defendant shall, by December 18, 2017, file any consolidated opposition to the plaintiff's cross-motion for summary judgment and reply in support of its motion for summary judgment; and (4) the plaintiff shall, by January 19, 2018, file any reply in support of its cross-motion for summary judgment. Signed by Chief Judge Beryl A. Howell on September 11, 2017. (lcbah2) (Entered: 09/11/2017)
09/11/2017		Set/Reset Deadlines: Defendant's Summary Judgment motion due by 10/16/2017; plaintiff's Cross-Motion and Opposition to Motion for Summary Judgment due by 11/20/2017; defendant's Opposition to Cross-Motion and Reply to Opposition to Motion for Summary Judgment due by 12/18/2017; Plaintiff's Reply to Opposition to Cross Motion due by 1/19/2018. (tg) (Entered: 09/11/2017)
10/16/2017	<u>9</u>	Consent MOTION for Extension of Time to <i>file dispositive motion and extend briefing schedule</i> by U.S. DEPARTMENT OF TRANSPORTATION (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 10/16/2017)
10/16/2017		MINUTE ORDER (paperless) GRANTING the parties' <u>9</u> Consent Motion for Extension of Time. Accordingly, the Court issues the following SCHEDULING ORDER: (1) the defendant shall, by October 25, 2017, file any motion for summary judgment; (2) the plaintiff shall, by November 30, 2017, file any consolidated opposition to the defendant's motion for summary judgment and cross-motion for summary judgment; (3) the defendant shall, by December 27, 2017, file any consolidated opposition to the plaintiff's cross-motion for summary judgment and reply in support of its motion for summary judgment; and (4) the plaintiff shall, by January 29, 2018, file any reply in support of its cross-motion for summary judgment. Signed by Chief Judge Beryl A. Howell on October 16, 2017. (lcbah2) (Entered: 10/16/2017)
10/16/2017		Set/Reset Deadlines: Summary Judgment motion due by 10/25/2017; Cross-Motion and Opposition to Motion for Summary Judgment due by 11/30/2017; Opposition to Cross-Motion and Reply to Motion for Summary Judgment due by 12/27/2017; Reply to Opposition to Cross Motion due by 1/29/2018. (tg) (Entered: 10/16/2017)
10/25/2017	<u>10</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF TRANSPORTATION (Attachments: # <u>1</u> Exhibit 1-9 (Referenced in Exhibit A and Exhibit B), # <u>2</u>

		Declaration (Exhibit A – Declaration of Jeffrey Quant), # <u>3</u> Declaration (Exhibit B – Declaration of Otto G. Matheke, III), # <u>4</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 10/25/2017)
11/29/2017	<u>11</u>	Memorandum in opposition to re <u>10</u> MOTION for Summary Judgment filed by QUALITY CONTROL SYSTEMS CORP.. (Attachments: # <u>1</u> Declaration of Randall A. Whitfield, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Statement of Facts, # <u>6</u> Text of Proposed Order)(Sobel, David) (Entered: 11/29/2017)
11/29/2017	<u>12</u>	Cross MOTION for Partial Summary Judgment by QUALITY CONTROL SYSTEMS CORP. (Attachments: # <u>1</u> Declaration of Randall A. Whitfield, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Statement of Facts, # <u>6</u> Text of Proposed Order)(Sobel, David) (Entered: 11/29/2017)
12/04/2017		Case directly reassigned to Judge Dabney L. Friedrich. Chief Judge Beryl A. Howell is no longer assigned to the case. (ztnr) (Entered: 12/04/2017)
12/27/2017	<u>13</u>	Memorandum in opposition to re <u>12</u> Cross MOTION for Partial Summary Judgment (<i>Plaintiff's</i>) filed by U.S. DEPARTMENT OF TRANSPORTATION. (Attachments: # <u>1</u> Declaration Ex.A– Matheke Supp. Decl., # <u>2</u> Declaration Ex.B–Schwall Decl., # <u>3</u> Statement of Facts Statement addressing Pl. SMF and Supp. Statement of Def., # <u>4</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 12/27/2017)
12/27/2017	<u>14</u>	REPLY to opposition to motion re <u>10</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF TRANSPORTATION. (Whitaker, Claire) (Entered: 12/27/2017)
01/29/2018	<u>15</u>	REPLY to opposition to motion re <u>12</u> Cross MOTION for Partial Summary Judgment filed by QUALITY CONTROL SYSTEMS CORP.. (Sobel, David) (Entered: 01/29/2018)
04/06/2018	<u>16</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by QUALITY CONTROL SYSTEMS CORP. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Sobel, David) (Entered: 04/06/2018)
08/02/2018	<u>17</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Marsha Wellknown Yee on behalf of U.S. DEPARTMENT OF TRANSPORTATION Substituting for attorney Claire M. Whitaker (Yee, Marsha) (Entered: 08/02/2018)
09/30/2018	<u>18</u>	MEMORANDUM OPINION AND ORDER denying without prejudice the defendant's <u>10</u> Motion for Summary Judgment and the plaintiff's <u>12</u> Cross–Motion for Partial Summary Judgment. See memorandum opinion and order for details. The parties shall confer and submit a joint status report on or before October 19, 2018 that proposes a schedule for further proceedings. Signed by Judge Dabney L. Friedrich on September 30, 2018. (JK)(JK) (Entered: 09/30/2018)
10/19/2018	<u>19</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF TRANSPORTATION. (Yee, Marsha) (Entered: 10/19/2018)
10/29/2018		MINUTE ORDER. Upon consideration of the parties' <u>19</u> Joint Status Report, it is ORDERED that the parties shall submit another joint status report on or before January 3, 2019. Signed by Judge Dabney L. Friedrich on October 29, 2018. (JK) (Entered: 10/29/2018)
12/31/2018	<u>20</u>	Consent MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by U.S. DEPARTMENT OF TRANSPORTATION (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 12/31/2018)
01/02/2019		MINUTE ORDER granting the defendant's <u>20</u> Consent Motion for a Stay and Extension of Time in Light of Lapse of Appropriations. Accordingly, it is ORDERED that this case is STAYED until Congress has restored appropriations to the Department of Justice and the Department of Transportation. All pending deadlines in this action are extended for a period of time equal to the calendar day duration of the lapse in appropriations. The defendant shall file a status report within seven calendar days of appropriations being restored that proposes a schedule for further proceedings. Signed by Judge Dabney L. Friedrich on January 2, 2019. (JK) (Entered: 01/02/2019)